

EXHIBIT H

EXHIBIT H

SUBSEQUENT PAROLE CONSIDERATION HEARING
STATE OF CALIFORNIA
BOARD OF PAROLE HEARINGS

In the matter of the Life)
Term Parole Consideration)
Hearing of:) CDC Number C-20149

ARTEMIO ARROYO)

INMATE
COPY

CORRECTIONAL TRAINING FACILITY

SOLEDAD, CALIFORNIA

JULY 12, 2005

2005 ME - 8 M 8 24
Corrections Training
Facility Department
Records Department

RECEIVED

PANEL PRESENT:

Ms. Susan Fisher, Presiding Commissioner
Mr. Rolando Mejia, Deputy Commissioner

OTHERS PRESENT:

Mr. Tom Sawyer, Commissioner
Mr. Artemio Arroyo, Inmate
Ms. Pat Fox, Attorney for Inmate
Mr. Jose Zavala, Interpreter
Correctional Officers Unidentified

CORRECTIONS TO THE DECISION HAVE BEEN MADE

No See Review of Hearing
Yes Transcript Memorandum

Kristin Ledbetter, Peters Shorthand Reporting

Exhibit H

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Exhibit H

1

P R O C E E D I N G S

2

PRESIDING COMMISSIONER FISHER: Okay.

3

(indiscernible) do you swear or affirm that the
4 interpretation that you give at this hearing
5 will be the truth and nothing but the truth
6 (indiscernible)?

7

INTERPRETER ZAVALA: I do.

8

PRESIDING COMMISSIONER FISHER: All
9 right. This is going to be a Subsequent Parole
10 Consideration Hearing for Artemio.

11

INMATE ARROYO: Artemio.

12

PRESIDING COMMISSIONER FISHER: Arroyo?

13

INMATE ARROYO: Yes.

14

PRESIDING COMMISSIONER FISHER: CDC
15 number C-20149. Today's date is 4/12/05, I'm
16 sorry, 7/12/05, and we're located at the
17 Correctional Training Facility in Soledad. The
18 inmate was received on 8/20 (indiscernible) --

19

DEPUTY COMMISSIONER MEJIA: One of my
20 tapes is out.

21

PRESIDING COMMISSIONER FISHER: Okay.

22

[Off the record]

23

DEPUTY COMMISSIONER MEJIA: Okay. We're
24 back on record.

25

PRESIDING COMMISSIONER FISHER: All
26 right. Thank you. All right. The life term
27 begins on 8/20/80, and the minimum eligible

Exhibit H 1

1 parole date is 8/30/89. The controlling offense
2 for which the inmate has been committed is
3 second-degree murder, Case Number 30688, Count
4 One, Penal Code Section 187. The inmate
5 received a term of 15 years to life. Once
6 again, the minimum eligible parole date is
7 8/30/89. Mr. Arroyo, we're going to be tape-
8 recording today, so for purpose of voice-
9 identification for the transcriber, we're each
10 going to say our first and last name and spell
11 our last name. When I get to you, I need your
12 CDC number. All right. I'm going to start with
13 myself and go to my left, Susan Fisher,
14 F-I-S-H-E-R, Commissioner.

15 **COMMISSIONER SAWYER:** Tom Sawyer,
16 S-A-W-Y-E-R, Commissioner.

17 **DEPUTY COMMISSIONER MEJIA:** Rolando
18 Mejia, M-E-J-I-A, Deputy Commissioner.

19 **ATTORNEY FOX:** Pat Fox, F-O-X, attorney
20 for Mr. Arroyo.

21 **INMATE ARROYO:** Artemio Arroyo,
22 C-20149.

23 **ATTORNEY FOX:** And spell your last name.

24 **INMATE ARROYO:** Okay. A-R-R-O-Y-O.

25 **ATTORNEY FOX:** Thank you.

26 **INTERPRETER ZAVALA:** Jose Zavala,
27 Z-A-V-A-L-A, Spanish interpreter.

Exhibit H 2

1 **PRESIDING COMMISSIONER FISHER:** Okay.
2 Thank you. And I'd like to also note for the
3 record that we have two correctional officers
4 present who are here for security purposes and
5 will not be participating in the hearing. Mr.
6 Arroyo, before we can get going here, let me
7 just double check with you. I need to know how
8 you want to use the Mr. Zavala today. Do you
9 want him to give you assistance occasionally if
10 you need help expressing yourself or help with
11 something one of says? Is that the way we're
12 going to work?

13 **INMATE ARROYO:** Yes. Yes.

14 **PRESIDING COMMISSIONER FISHER:** Okay.

15 All right. Do you read English?

16 **INMATE ARROYO:** Yes.

17 **PRESIDING COMMISSIONER FISHER:** You have
18 a (indiscernible).

19 **INMATE ARROYO:** Yes.

20 **PRESIDING COMMISSIONER FISHER:** I need to
21 ask you to read that Americans with Disabilities
22 Act. It's there on the table in front of you,
23 if you would just read it out loud for us,
24 please into the record.

25 **INMATE ARROYO:** See if I can see because
26 I don't have my glasses.

27 **PRESIDING COMMISSIONER FISHER:** You don't

Exhibit H 3

1 have your glasses? Okay. You know what. I can
2 read it to you if you'd like.

3 **INMATE ARROYO:** Yes.

4 **DEPUTY COMMISSIONER MEJIA:** We also have
5 a magnifying lens.

6 **PRESIDING COMMISSIONER FISHER:** I can
7 read it for the record. It's no problem.

8 **ATTORNEY FOX:** That would be a reasonable
9 accommodation, I think.

10 **PRESIDING COMMISSIONER FISHER:**

11 All right. "The Americans with
12 Disabilities Act is a law to help
13 people with disabilities.

14 Disabilities are problems that
15 make it harder for some people to
16 see, hear, breathe, talk, walk,
17 learn, think, work, or take care
18 of themselves than it is for
19 others. Nobody can be kept out of
20 public places or activities
21 because of a disability. If you
22 have a disability, you have the
23 right to ask for help to get ready
24 for your BPT Hearing, get to the
25 hearing, talk, read forms and
26 papers, and understand the hearing
27 process. BPT will look at what

Exhibit H 4

1 you ask for to make sure that you
2 have a disability that is covered
3 by the ADA and that you have asked
4 for the right kind of help. If
5 you do not get help or if you
6 don't think you got the kind of
7 help you need, ask for a BPT 1074
8 Grievance Form. You can also get
9 help to fill it out."

10 Did you understand that?

11 **INMATE ARROYO:** Yes.

12 **PRESIDING COMMISSIONER FISHER:** All
13 right. I do want to note for the record that
14 Mr. Arroyo did sign a BPT 1073 Form on October
15 15th of 2004, stating that he has no
16 disabilities. I have some questions to ask you
17 though before we can go any farther. Okay.

18 **INMATE ARROYO:** Okay.

19 **PRESIDING COMMISSIONER FISHER:** Do you
20 have any problems walking up and down stairs or
21 walking distances?

22 **INMATE ARROYO:** No.

23 **PRESIDING COMMISSIONER FISHER:** Okay.
24 And you already said you normally use reading
25 glasses, right?

26 **INMATE ARROYO:** Yes.

27 **PRESIDING COMMISSIONER FISHER:** Okay.

1 Did you do a review on your file before you came
2 to your hearing?

3 **INMATE ARROYO:** Yes.

4 **PRESIDING COMMISSIONER FISHER:** And did
5 you have your glasses available?

6 **INMATE ARROYO:** Yes.

7 **PRESIDING COMMISSIONER FISHER:** Okay. Do
8 you have any hearing problems?

9 **INMATE ARROYO:** No.

10 **PRESIDING COMMISSIONER FISHER:** Okay.

11 And prior to coming to prison, how far did you
12 get in school?

13 **INMATE ARROYO:** Nine grade.

14 **PRESIDING COMMISSIONER FISHER:** While
15 you've been in prison, have you been included in
16 the Mental Health Programs, Triple CMS or EOP
17 Programs?

18 **INMATE ARROYO:** Been in different
19 programs that I completed.

20 **PRESIDING COMMISSIONER FISHER:** Okay.

21 This is the Mental Health Programs where you,
22 where you're perhaps on medication.

23 **INMATE ARROYO:** No.

24 **PRESIDING COMMISSIONER FISHER:** Any of
25 those?

26 **INMATE ARROYO:** No, I haven't.

27 **PRESIDING COMMISSIONER FISHER:** All

Exhibit H 6

1 right. Is there any disability that you have
2 that you believe would prevent you from being
3 able to participate in today's hearing?

4 **INMATE ARROYO:** No.

5 **PRESIDING COMMISSIONER FISHER:** Okay.

6 Good. Thank you. All right. This hearing is
7 being conducted pursuant to Penal Code Sections
8 3041 and 3042 and the rules and regulations of
9 the Board of Prison Terms that govern parole
10 consideration hearings for life inmates. And as
11 I'm sure you know, Mr. Arroyo, the purpose of
12 the hearing today is to consider your
13 commitment, your prior criminal and social
14 history, and your behavior and programming since
15 you've been in prison for this offense. We've
16 had the opportunity to review your files, and
17 we're going to give you the opportunity to make
18 any corrections that you need to today. All
19 right.

20 **INMATE ARROYO:** Right.

21 **PRESIDING COMMISSIONER FISHER:** We're
22 going to be reaching a decision today as to
23 whether or not we find you suitable for parole.
24 If we do find you suitable, I'm going to explain
25 to you how much (indiscernible). Now, before we
26 recess and deliberate, I'm going to give you and
27 your attorney the opportunity to make a final

Exhibit H 7

1 statement about your suitability. I want to
2 remind you that you're not required to admit or
3 discuss your offense today, but the Panel does
4 accepts the findings of the Court to be true.

5 Do you understand that?

6 **INMATE ARROYO:** Yes.

7 **PRESIDING COMMISSIONER FISHER:** Okay.

8 The California Code of Regulations states that
9 regardless of time served a life inmate shall be
10 found unsuitable for and denied parole if in the
11 judgment of the Panel he would pose an
12 unreasonable risk of danger to society if
13 released from prison. You have rights that are
14 related to this hearing. They include the right
15 to a timely notice of the hearing, the right to
16 review your Central File, and the right to
17 present relevant documents. Ms. Fox, have your
18 client's rights been met?

19 **ATTORNEY FOX:** Yes. As to this hearing.

20 **PRESIDING COMMISSIONER FISHER:** All
21 right. You have the right, Mr. Arroyo, to an
22 impartial Panel, and I want to clarify for you
23 that Commissioner Mejia is down there with the
24 file.

25 **INMATE ARROYO:** Okay.

26 **PRESIDING COMMISSIONER FISHER:** And I
27 will be your Panel. Commissioner Sawyer is just

Exhibit H 8

1 here to observe today. So having seen your two
2 Commissioners today, do you have any objections
3 to the Panel?

4 **INMATE ARROYO:** No.

5 **PRESIDING COMMISSIONER FISHER:** Okay.

6 Counsel, any objections?

7 **ATTORNEY FOX:** No, no objections.

8 **PRESIDING COMMISSIONER FISHER:** I'm going
9 to give you a written copy of our decision
10 today. It's going to be a tentative decision,
11 and that decision will be effective within 120
12 days, and then a copy of the decision and a copy
13 of the transcript of your hearing will be sent
14 to you. All right.

15 **INMATE ARROYO:** Okay.

16 **PRESIDING COMMISSIONER FISHER:** Now, at
17 the end of last year they changed the way that
18 you appeal Board decisions, and now, all appeals
19 of Board decisions go directly to the Courts.
20 So if you need information about that, your
21 correctional counselor should have it, and it
22 should also be in the prison law library.

23 Commissioner, would you (indiscernible)?

24 (Indiscernible.)

25 **INMATE ARROYO:** Okay.

26 **ATTORNEY FOX:** Yes. I do have the
27 documents, and we have some to submit toward

1 parole plans, and I'll (indiscernible) and
2 photographs.

3 PRESIDING COMMISSIONER FISHER: Okay.

4 ATTORNEY FOX: Thank you.

5 PRESIDING COMMISSIONER FISHER: All
6 right. Counsel, are there any preliminary
7 objections?

8 ATTORNEY FOX: No, we have none.

9 PRESIDING COMMISSIONER FISHER: All
10 right. Is Mr. Arroyo going to be speaking with
11 us today?

12 ATTORNEY FOX: Yes.

13 PRESIDING COMMISSIONER FISHER: Sir, if
14 you'll raise your right hand, I'll swear you in.
15 Do you solemnly swear or affirm that the
16 testimony you give at this hearing will be the
17 truth and nothing but the truth?

18 INMATE ARROYO: Yes, I swear.

19 PRESIDING COMMISSIONER FISHER: All
20 right. Thank you. Now, what I'm going to do,
21 Mr. Arroyo, is read a summary of the crime into
22 the record, and then I'm going to ask you to
23 tell me if you agree with what I read, and then
24 we'll (indiscernible). All right. Counsel, the
25 probation officer's report or Board report, both
26 are essentially the same.

27 ATTORNEY FOX: Well, I object to using

Exhibit H 10

1 the probation officer's report because it's
2 based on hearsay, but I realize this case went
3 by way of a plea so there may not be another
4 record, and Mr. Arroyo is here to answer
5 questions and clarify.

6 PRESIDING COMMISSIONER FISHER: All
7 right. We're going to go ahead use the
8 probation officer's report. It's on page two of
9 the present offense, and it reads as follows:

10 "On September 10, 1979, at
11 approximately 11:00 p.m. Lodi
12 Police Officers were dispatched to
13 the 800 block of South Cherokee
14 Lane in Lodi on the report of an
15 injury accident. Officers found
16 the victim, 16-year-old Daniel
17 Thomas Martino, slumped over the
18 passenger side of the vehicle he
19 had been driving, and his car was
20 crashed into a parked car. Victim
21 Martino was pronounced dead on
22 arrival at Lodi Memorial Hospital.
23 For it was determined that he was
24 shot in the head with a shotgun.
25 The passenger, 16-year-old Danny
26 Ramirez, was treated at Lodi
27 Memorial Hospital and was

Exhibit H 11

1 released. Witnesses on the scene
2 reported the victim's car and
3 another vehicle had been racing
4 southbound on Cherokee
5 (indiscernible) each car
6 attempting to hit each other
7 (indiscernible). After a short
8 distance, a shotgun blast was
9 heard and immediately after the
10 victim's vehicle veered across the
11 street (indiscernible) striking
12 the parked car. Danny Ramirez
13 testified that Arroyo held a rifle
14 by the shoulder and aimed his gun
15 and leaned forward so that Arroyo
16 could shoot. He also testified
17 that he and the victim were
18 attempting to leave Lodi when
19 Arroyo and his companions
20 (indiscernible) pursuit
21 (indiscernible) the victim's car
22 with (indiscernible). At
23 approximately 12:30 a.m.,
24 (indiscernible) with the
25 assistance of officers
26 (indiscernible). Antonio Lopez
27 Ramirez, Frederico Ashua Gonzales,

Exhibit H 12

1 aka Tito, (indiscernible)
2 Esperaza, aka Speedy,
3 (indiscernible) aka Chino, and I
4 think, it's Ladie, L-A-D-I-E,
5 Hernandez, (indiscernible). Mrs.
6 Hernandez was (indiscernible)
7 shortly thereafter when it was
8 determined she had not been
9 present (indiscernible) crime.
10 (indiscernible) suspects
11 (indiscernible) custody
12 (indiscernible) arrested Arroyo in
13 Fresno. Arroyo insisted that he
14 did not know any of the other
15 suspects nor (indiscernible)
16 however (indiscernible) that he
17 had left town with Hernandez,
18 Gonzales, and Ramirez, and Grazaun
19 the previous evening. Arroyo
20 changed his story and related the
21 following: He says that the
22 previous day his brother, Manuel
23 Arroyo, had received a telephone
24 call from some Mexican Americans
25 (indiscernible) area stating they
26 were going to do physical harm to
27 him. Manuel advised Arroyo of the

Exhibit H 13

1 situation and (indiscernible) to
2 get some friends together to meet
3 and (indiscernible). Arroyo then
4 advised (indiscernible), Ramirez,
5 and (indiscernible) Hernandez of
6 the situation (indiscernible) to
7 Lodi to help. A minor along with
8 (indiscernible), Ramirez,
9 Gonzales, and Hernandez
10 accompanied Manuel to work that
11 (indiscernible) at approximately
12 10:00 p.m. After Manuel was
13 dropped off, they proceeded to
14 Clakel Park, that's C-L-A-K-E-L
15 (indiscernible). After less than
16 an hour (indiscernible) Manuel,
17 I'm sorry, assuming that the two
18 Mexican males (indiscernible) had
19 perhaps (indiscernible) car sped
20 off (indiscernible) passenger
21 seat. The (indiscernible) pursued
22 the other vehicle with
23 (indiscernible) driving, Arroyo in
24 the passenger seat while the other
25 (indiscernible) in the backseat.
26 They soon found (indiscernible)
27 car did not do so and after a

1 brief (indiscernible) both cars
2 started (indiscernible) at one
3 another. When this did not work,
4 Arroyo became upset. He had the
5 shotgun loaded (indiscernible)
6 shotgun at the passenger area of
7 the vehicle. (indiscernible) of
8 the car. They observed the car
9 vehicle (indiscernible). The
10 weapon, a 410 shotgun
11 (indiscernible) of Arroyo's
12 brother, Manuel."

13 All right. And that completes the summary of
14 the crime. Is what I read correct?

15 **INMATE ARROYO:** No.

16 **PRESIDING COMMISSIONER FISHER:** Okay.

17 Tell me what happened.

18 **INMATE ARROYO:** It was -- I don't know
19 who did that report, but it wasn't how it
20 happened in order like that.

21 **PRESIDING COMMISSIONER FISHER:** Okay.

22 What happened?

23 **INMATE ARROYO:** Well, the (indiscernible)
24 we're in the car. We left my brother in the --
25 he used to work in the fabric. We give him a
26 ride over there. At the time, we were drinking
27 and right there when we let my brother out of

1 the work, we were drinking, and one thing led to
2 the other. I was too drunk inside the car. As
3 I was driving (indiscernible) the car, he seen
4 the guys pass by (indiscernible) a car, and they
5 happened. There was a shotgun right there in
6 the car, and I grabbed the shotgun, and I shot
7 this guy.

8 **PRESIDING COMMISSIONER FISHER:** Okay.

9 Nothing (indiscernible). You had known these
10 guys at all?

11 **INMATE ARROYO:** No. We don't know these
12 guys.

13 **PRESIDING COMMISSIONER FISHER:** Okay.
14 You drove your brother to work.

15 **INMATE ARROYO:** Yeah.

16 **PRESIDING COMMISSIONER FISHER:** And you
17 had been drinking.

18 **INMATE ARROYO:** Yes.

19 **PRESIDING COMMISSIONER FISHER:** Okay.
20 All of the names of all the people that I read
21 (indiscernible).

22 **INMATE ARROYO:** Well I knew -- excuse me.
23 I knew these guys that were with me.

24 **PRESIDING COMMISSIONER FISHER:** So were
25 all the people that I read about, these
26 different men that were supposed to be with you,
27 were they all with you?

Exhibit H 16

1 **INMATE ARROYO:** Some of them, not all of
2 them.

3 **PRESIDING COMMISSIONER FISHER:** Okay.

4 All right. Let's see. I have your brother,
5 Manuel.

6 **INMATE ARROYO:** Yes.

7 **PRESIDING COMMISSIONER FISHER:** I have
8 Laraza, Ramirez, and Gonzales. Were they all
9 with you?

10 **INMATE ARROYO:** Yes.

11 **PRESIDING COMMISSIONER FISHER:** All
12 right. And you'd known them for a while, right?

13 **INMATE ARROYO:** Yes.

14 **PRESIDING COMMISSIONER FISHER:** All
15 right. And Hernandez.

16 **INMATE ARROYO:** Yes.

17 **PRESIDING COMMISSIONER FISHER:** All
18 right. Okay. So your brother needed a ride to
19 work.

20 **INMATE ARROYO:** Yes.

21 **PRESIDING COMMISSIONER FISHER:** Okay.

22 And all you guys jump in the car, and you take
23 him to work, right?

24 **INMATE ARROYO:** Yes.

25 **PRESIDING COMMISSIONER FISHER:** Okay.

26 And how long had you been drinking?

27 **INMATE ARROYO:** Since six hours before

1 that.

2 **PRESIDING COMMISSIONER FISHER:** And had
3 your brother said anything about somebody
4 threatening him?

5 **INMATE ARROYO:** No. We just give him a
6 ride to the work, and then I remember somebody
7 say that a car went by, and I was sitting in the
8 car, and this guy got inside the car, and he
9 started driving. He say, let's go talk to this
10 guy, and --

11 **PRESIDING COMMISSIONER FISHER:** The car
12 drove by with the two victims in it.

13 **INMATE ARROYO:** Yes.

14 **PRESIDING COMMISSIONER FISHER:** And
15 you're sitting in the front or back
16 (indiscernible)?

17 **INMATE ARROYO:** I think I was sitting in
18 the front.

19 **PRESIDING COMMISSIONER FISHER:** Which car
20 was it that you were sitting in?

21 **INMATE ARROYO:** I can't remember who the
22 car belonged to.

23 **PRESIDING COMMISSIONER FISHER:** Who was
24 driving the car?

25 **INMATE ARROYO:** Bennie Varasa.

26 **PRESIDING COMMISSIONER FISHER:**
27 (indiscernible), so after you drop your brother

Exhibit H 18

1 off, were you just sitting around in front of
2 the place that he worked?

3 **INMATE ARROYO:** Yes.

4 **PRESIDING COMMISSIONER FISHER:** Okay.

5 And Varasa was out of the car at that moment?

6 You said that (indiscernible)?

7 **INMATE ARROYO:** Yeah. Yeah. He was out
8 of the car.

9 **PRESIDING COMMISSIONER FISHER:** All
10 right. And so this car drives by with these two
11 kids in it, and he jumps in the car and says,
12 let's go talk to them?

13 **INMATE ARROYO:** Yeah. Let's go and talk
14 to these guys.

15 **PRESIDING COMMISSIONER FISHER:** Why?

16 **INMATE ARROYO:** I think what happened
17 earlier something or day before, they got in an
18 argument or something --

19 **PRESIDING COMMISSIONER FISHER:**

20 (Indiscernible.)

21 **INMATE ARROYO:** My brother, no, my
22 brother, something.

23 **PRESIDING COMMISSIONER FISHER:** Okay.

24 All right. So that's kind of what was said
25 before was that your brother said that somebody
26 had, somebody had threatened him in some way.

27 It says that he said that you said that your

1 brother got a phone call from somebody who said
2 that they were going to hurt him. You don't
3 remember that?

4 **INMATE ARROYO:** No.

5 **PRESIDING COMMISSIONER FISHER:** Okay.
6 But you think that these guys had gotten into it
7 some kind of argument with your brother the day
8 before, right?

9 **INMATE ARROYO:** Yes.

10 **PRESIDING COMMISSIONER FISHER:** Okay.

11 How did Varasa know?

12 **INMATE ARROYO:** I don't know.

13 **PRESIDING COMMISSIONER FISHER:** Was your
14 brother inside work at that time or he
15 (indiscernible)?

16 **INMATE ARROYO:** I think he was ready to
17 go inside to work because it was in the front of
18 a park.

19 **PRESIDING COMMISSIONER FISHER:** So when
20 you (indiscernible) these two kids
21 (indiscernible) and Varasa jumps in the car and
22 says let's (indiscernible), did your brother go
23 to work or did he get in the car with you?

24 **INMATE ARROYO:** No. He went to work.

25 **PRESIDING COMMISSIONER FISHER:** All
26 right. So you didn't know anything about
27 (indiscernible).

Exhibit H 20

1 INMATE ARROYO: No. My brother, he
2 didn't know nothing about it.

3 PRESIDING COMMISSIONER FISHER: No. But
4 you, you didn't know anything about these guys
5 that drove by that Varasa wanted to talk to?

6 INMATE ARROYO: I knew that a few days or
7 a day before something happened. They got in an
8 argument or wanted to fight my brother or
9 something like that.

10 PRESIDING COMMISSIONER FISHER: You
11 didn't know what happened (indiscernible)?

12 INMATE ARROYO: No.

13 PRESIDING COMMISSIONER FISHER: Well, let
14 me clarify something real quick here. Were you
15 involved in a gang?

16 INMATE ARROYO: By the time, yeah.

17 PRESIDING COMMISSIONER FISHER: What
18 gang?

19 INMATE ARROYO: Vickitown.

20 PRESIDING COMMISSIONER FISHER: What
21 about the two boys, the two victims? Were they
22 gang members?

23 INMATE ARROYO: I don't know. I don't
24 know.

25 PRESIDING COMMISSIONER FISHER: Did you
26 (indiscernible)?

27 INMATE ARROYO: Excuse me?

Exhibit H 21

1 PRESIDING COMMISSIONER FISHER: Did you
2 think they were at the time?

3 INMATE ARROYO: No. No, I didn't.

4 PRESIDING COMMISSIONER FISHER: All
5 right.

6 INMATE ARROYO: I was drunk at the time.

7 PRESIDING COMMISSIONER FISHER: Okay. So
8 you guys decide to go after them to, because
9 Varasa wants to talk to them?

10 INMATE ARROYO: Yeah. He say that he
11 wanted to talk to them.

12 PRESIDING COMMISSIONER FISHER: Okay. So
13 why would that lead you to take out a shotgun
14 and shoot anybody?

15 INMATE ARROYO: Well, when the cars they
16 were chasing one another, sticks and pipes were
17 fighting in the back of the seat.

18 PRESIDING COMMISSIONER FISHER: So they
19 had sticks so you thought you would shoot them?

20 INMATE ARROYO: I was drunk. I was drunk
21 at the time.

22 PRESIDING COMMISSIONER FISHER:
23 (Indiscernible.)

24 INMATE ARROYO: I don't know. I don't
25 know whose gun was it.

26 PRESIDING COMMISSIONER FISHER: Who had
27 (indiscernible) shot?

Exhibit H 22

1 **INMATE ARROYO:** I think we went to the
2 house, back to the house.

3 **PRESIDING COMMISSIONER FISHER:** And
4 that's where?

5 **INMATE ARROYO:** They let me in the house,
6 and they took off.

7 **PRESIDING COMMISSIONER FISHER:** They let
8 you in your house?

9 **INMATE ARROYO:** Yeah.

10 **PRESIDING COMMISSIONER FISHER:** Okay.

11 **INMATE ARROYO:** And they took off.

12 **PRESIDING COMMISSIONER FISHER:** How old
13 were you when this happened?

14 **INMATE ARROYO:** Seventeen.

15 **PRESIDING COMMISSIONER FISHER:** All
16 right. Okay. And when did you know that Daniel
17 Martino had died?

18 **INMATE ARROYO:** When they came in and
19 arrest me.

20 **PRESIDING COMMISSIONER FISHER:** All
21 right. How much had you been drinking?

22 **INMATE ARROYO:** I can't really remember
23 that good.

24 **PRESIDING COMMISSIONER FISHER:** Had you
25 been drinking all day?

26 **INMATE ARROYO:** No, not all day, like off
27 and on that day.

Exhibit H 23

1 PRESIDING COMMISSIONER FISHER: But you
2 were drunk.

3 INMATE ARROYO: Yes.

4 PRESIDING COMMISSIONER FISHER: All
5 right. Is there anything else about just the
6 facts of what happened that day that we haven't
7 talked about that you think we should know?

8 INMATE ARROYO: By the time, I was too
9 young to know what I was doing. I was angry.

10 PRESIDING COMMISSIONER FISHER: What were
11 you angry about?

12 INMATE ARROYO: No. I wasn't angry. I
13 wasn't angry at this guy, I was just --

14 PRESIDING COMMISSIONER FISHER: But you
15 just said you were angry. What were you angry
16 about? You said I (indiscernible) I was angry,
17 and I said, what were you angry about?

18 INMATE ARROYO: I was drunk at the time.

19 PRESIDING COMMISSIONER FISHER: Do you
20 always get angry when you're drunk?

21 INMATE ARROYO: No.

22 PRESIDING COMMISSIONER FISHER: All
23 right. Anything else about just about the
24 crime, anything that happened that day that we
25 haven't talked about that you think we should
26 know?

27 INMATE ARROYO: No. *Exhibit H 24*

1 PRESIDING COMMISSIONER FISHER: Let's
2 talk about your life prior to coming to prison
3 for this crime. You have a couple of juvenile
4 arrests. One was for disruptive school
5 activities in 1977, and one was for robbery in
6 1979. What happened with both of those? Did
7 you, were a ward of the Court? Were you on
8 probation?

9 INMATE ARROYO: No. I never did time for
10 those.

11 PRESIDING COMMISSIONER FISHER: Okay.
12 And then your only adult conviction was for this
13 crime.

14 INMATE ARROYO: Yes.

15 PRESIDING COMMISSIONER FISHER: Okay.
16 Tell me again, how far did you go in school?

17 INMATE ARROYO: Like ninth grade.

18 PRESIDING COMMISSIONER FISHER: Ninth
19 grade. Why did you drop out?

20 INMATE ARROYO: I was helping my family
21 work like in summer.

22 PRESIDING COMMISSIONER FISHER: Okay.

23 INMATE ARROYO: I got a big family, five
24 brothers and five sisters.

25 PRESIDING COMMISSIONER FISHER: What were
26 you doing for work?

27 INMATE ARROYO: I was working in kind of

1 like construction or painting contract.

2 PRESIDING COMMISSIONER FISHER: Okay.

3 All right. It says in a 2002 psych report that
4 you finished your 11th grade. That's not right?

5 INMATE ARROYO: Eleventh, yes. Oh, in
6 the streets, outside?

7 PRESIDING COMMISSIONER FISHER: Yes.

8 INMATE ARROYO: Well, I was in 11th grade,
9 but I didn't complete it.

10 PRESIDING COMMISSIONER FISHER: You just
11 told me you dropped out in the ninth grade.

12 INMATE ARROYO: Yeah. And then I started
13 going to school like off and on, but I didn't
14 complete it. Yes.

15 PRESIDING COMMISSIONER FISHER: Okay.

16 All right. It says that your dad passed away
17 when you were real young; is that right?

18 INMATE ARROYO: Yes.

19 PRESIDING COMMISSIONER FISHER: How old
20 were you? Do you remember?

21 INMATE ARROYO: Only about one or two
22 years old.

23 PRESIDING COMMISSIONER FISHER: You were
24 a baby still. And then your mom remarried.

25 INMATE ARROYO: Yes.

26 PRESIDING COMMISSIONER FISHER: You were
27 about 11 it says here; is that right?

Exhibit H 26

1 **INMATE ARROYO:** Yes.

2 **PRESIDING COMMISSIONER FISHER:** Okay. It
3 says that you have two sisters and a brother who
4 were your dad's children, and then you have
5 three stepbrothers and two stepsisters.

6 **INMATE ARROYO:** Yes.

7 **PRESIDING COMMISSIONER FISHER:**

8 (indiscernible) the 2002 report because it has
9 some information here about your family. It
10 says your mom's still alive at this time. Is
11 she still alive?

12 **INMATE ARROYO:** Yes.

13 **PRESIDING COMMISSIONER FISHER:** Okay.

14 And how's she doing?

15 **INMATE ARROYO:** She's hanging in there.

16 **PRESIDING COMMISSIONER FISHER:** She's
17 still pretty young. She's not even 70 yet.
18 (Indiscernible.)

19 **INMATE ARROYO:** She's in the late 60s.

20 **PRESIDING COMMISSIONER FISHER:** What
21 about your brothers and sisters? Do you have
22 contact with them?

23 **INMATE ARROYO:** Yes.

24 **PRESIDING COMMISSIONER FISHER:** And how
25 are they doing?

26 **INMATE ARROYO:** They're doing okay. They
27 come and visit me. We're a close family.

1 PRESIDING COMMISSIONER FISHER: Okay.

2 Did anybody else ever go to prison?

3 INMATE ARROYO: No.

4 PRESIDING COMMISSIONER FISHER: It says
5 here that you got married once, and that was
6 after you came to prison. It said after you
7 were incarcerated that you knew her before you
8 committed this crime; is that right?

9 INMATE ARROYO: Yeah. That's my
10 daughter's mom.

11 PRESIDING COMMISSIONER FISHER: Okay.

12 All right. And how old is your daughter now?

13 INMATE ARROYO: Twenty-five.

14 PRESIDING COMMISSIONER FISHER: Are you
15 in contact with her?

16 INMATE ARROYO: Yes.

17 PRESIDING COMMISSIONER FISHER: And how
18 is she doing?

19 INMATE ARROYO: She's doing okay. I'm a
20 grandparent.

21 PRESIDING COMMISSIONER FISHER: Are you?

22 INMATE ARROYO: Yes.

23 PRESIDING COMMISSIONER FISHER: How many?

24 INMATE ARROYO: I got two grandkids.

25 PRESIDING COMMISSIONER FISHER: Boys or
26 girls?

27 INMATE ARROYO: Kimberly and Mike.

Exhibit H 28

1 PRESIDING COMMISSIONER FISHER: And how
2 old are they?

3 INMATE ARROYO: Three and one.

4 PRESIDING COMMISSIONER FISHER: Does she
5 send you pictures?

6 INMATE ARROYO: Yeah.

7 PRESIDING COMMISSIONER FISHER:
8 (Indiscernible.)

9 INMATE ARROYO: Yes. Right on the
10 pictures.

11 PRESIDING COMMISSIONER FISHER:
12 (Indiscernible.)

13 INMATE ARROYO: Yeah.

14 PRESIDING COMMISSIONER FISHER: Okay.
15 All right. What about her mom? Are you still
16 in contact with her mom?

17 INMATE ARROYO: Yes. We still have
18 contact because my daughter, but she remarried,
19 and she's doing her life.

20 PRESIDING COMMISSIONER FISHER: This was
21 2002. It said that you were engaged in 2002.
22 Did you get married?

23 INMATE ARROYO: Yes, I got married.

24 PRESIDING COMMISSIONER FISHER: Are you
25 still married?

26 INMATE ARROYO: No. We're divorced.

27 PRESIDING COMMISSIONER FISHER: All

1 right. Tell me about your history drinking or
2 any drugs because you were drinking that day.

3 **INMATE ARROYO:** Yes.

4 **PRESIDING COMMISSIONER FISHER:** Did you
5 have a problem with alcohol?

6 **INMATE ARROYO:** No. That day I just, I
7 was just drinking, and I don't know how to
8 control the alcohol.

9 **PRESIDING COMMISSIONER FISHER:** All
10 right.

11 **INMATE ARROYO:** Alcohol got the best of
12 me.

13 **PRESIDING COMMISSIONER FISHER:** All
14 right. When did you start drinking? How old
15 were you?

16 **INMATE ARROYO:** I think about 17.

17 **PRESIDING COMMISSIONER FISHER:** Okay.

18 And how often were you drinking, on the weekends
19 or only once in awhile?

20 **INMATE ARROYO:** Maybe like the weekends
21 but not that much.

22 **PRESIDING COMMISSIONER FISHER:** Okay.

23 When you, when you were drinking, were
24 (indiscernible)? Did you get drunk every day?

25 **INMATE ARROYO:** Yeah. The few times that
26 I drink. Yeah.

27 **PRESIDING COMMISSIONER FISHER:** What

Exhibit H 30

1 about drugs?

2 **INMATE ARROYO:** Only did marijuana one
3 time.

4 **PRESIDING COMMISSIONER FISHER:**

5 (indiscernible) did it again?

6 **INMATE ARROYO:** Because I didn't like it.

7 **PRESIDING COMMISSIONER FISHER:** Ever try
8 anything else?

9 **INMATE ARROYO:** No.

10 **PRESIDING COMMISSIONER FISHER:** So if
11 that's the case, why are so many of your 115s
12 related to substance abuse? Did you get
13 involved with drugs and alcohol after you came
14 to prison?

15 **INMATE ARROYO:** No. I got 115s behind
16 it, but I wasn't using.

17 **PRESIDING COMMISSIONER FISHER:** Were you
18 trafficking?

19 **INMATE ARROYO:** No.

20 **PRESIDING COMMISSIONER FISHER:** What were
21 you doing?

22 **INMATE ARROYO:** I just right there and I
23 had them and I got caught.

24 **PRESIDING COMMISSIONER FISHER:**

25 (indiscernible) have?

26 **INMATE ARROYO:** They weren't belong to
27 me, somebody else.

1 PRESIDING COMMISSIONER FISHER: So you
2 just always happened to be in the wrong place at
3 the wrong time?

4 INMATE ARROYO: No.

5 PRESIDING COMMISSIONER FISHER:

6 (Indiscernible.) There's a lot of them here.
7 We've got -- (indiscernible) back in '80, you've
8 got stimulants and sedatives and possession of
9 marijuana in '89. You got contraband in '89.
10 You've got possession of controlled substance in
11 '92, possession of heroin in '92, contact
12 extortion conspiring to traffic narcotics in
13 '95, and conspiracy to traffic (indiscernible)
14 in (indiscernible).

15 DEPUTY COMMISSIONER MEJIA: Just for the
16 record, Commissioner, '96 and the '95 are the
17 same one. It was (indiscernible).

18 PRESIDING COMMISSIONER FISHER: Did you
19 (indiscernible) were all those yours?

20 INMATE ARROYO: No.

21 PRESIDING COMMISSIONER FISHER: Did you
22 602 them?

23 INMATE ARROYO: Yeah. The last one I'm
24 still, I got an appeal 602 because they just got
25 me for some confidential thing. There was
26 planning to do this and then but I'm still
27 602ing it right now.

1 PRESIDING COMMISSIONER FISHER: Okay.

2 INMATE ARROYO: But they test me and
3 everything. I came out clean. I wasn't using.

4 PRESIDING COMMISSIONER FISHER: Okay.

5 Well, there's (indiscernible). All right. I'm
6 actually getting into your post-conviction, so
7 let's move on and talk about your parole plans.
8 Let's see here. It says here that if you were
9 to receive a parole date that you would live
10 (indiscernible); is that correct?

11 INMATE ARROYO: Yes.

12 PRESIDING COMMISSIONER FISHER: Okay.

13 Are the letters in the file still current
14 (indiscernible) or are they copies
15 (indiscernible)? I had some letters in his file
16 here.

17 ATTORNEY FOX: These are, these are
18 different, more current, I think mostly.

19 INMATE ARROYO: Yes.

20 PRESIDING COMMISSIONER FISHER: The first
21 letter is in Spanish which I don't read
22 (indiscernible).

23 INMATE ARROYO: Lesa, my daughter, my
24 granddaughter.

25 PRESIDING COMMISSIONER FISHER: Is that
26 offer a residence or a job (indiscernible)?
27 It's just generally a support letter.

1 INTERPRETER ZAVALA: Right.

2 PRESIDING COMMISSIONER FISHER: General
3 support?

4 INTERPRETER ZAVALA: Correct.

5 PRESIDING COMMISSIONER FISHER: Okay.

6 And who's it from?

7 INTERPRETER ZAVALA: Manuel Arroyo.

8 INMATE ARROYO: Yes. My brother.

9 PRESIDING COMMISSIONER FISHER: Who is
10 that, your brother?

11 INMATE ARROYO: My older brother.

12 PRESIDING COMMISSIONER FISHER: Okay. I
13 have a letter here from Margaret -- I don't know
14 how you pronounce her last name. It's
15 E-Q-U-I-H-U-A.

16 INMATE ARROYO: Equihua.

17 PRESIDING COMMISSIONER FISHER: This is
18 your sister?

19 INMATE ARROYO: Yes.

20 PRESIDING COMMISSIONER FISHER: She says,
21 my family (indiscernible) we will help
22 financially until he's stable and
23 (indiscernible). She talks about her husband's
24 place of work where (indiscernible) body and
25 paint and that you'll be hired also making
26 murals on cars.

27 INMATE ARROYO: Yes.

Exhibit H 34

1 PRESIDING COMMISSIONER FISHER: So are
2 you an artist?

3 INMATE ARROYO: Yes.

4 PRESIDING COMMISSIONER FISHER: I have a
5 letter here from Marlia Marlara.

6 INMATE ARROYO: Marlara.

7 PRESIDING COMMISSIONER FISHER: Is this
8 your sister also?

9 INMATE ARROYO: Yes.

10 PRESIDING COMMISSIONER FISHER: Okay.
11 And she says that you're welcome to live in her
12 home. She says, I will refer to my employer for
13 (indiscernible) bakery (indiscernible) positions
14 (indiscernible). She says, I look forward to
15 helping my brother financially and in any other
16 area. What would you do for the bakery? Do you
17 know?

18 INMATE ARROYO: Work in there.

19 PRESIDING COMMISSIONER FISHER: General
20 labor?

21 INMATE ARROYO: Yes.

22 PRESIDING COMMISSIONER FISHER: And then
23 I have one here from Maria -- who is it?

24 ATTORNEY FOX: Tomas.

25 PRESIDING COMMISSIONER FISHER: Tomas?

26 ATTORNEY FOX: Yeah.

27 PRESIDING COMMISSIONER FISHER: Okay.

Exhibit H 35

1 This is also a sister.

2 **INMATE ARROYO:** Yes.

3 **PRESIDING COMMISSIONER FISHER:** She says
4 that you're welcome to live with her. She
5 (indiscernible) as well. It says that your
6 talent with drawing is highly admired and that
7 she believes that you'll (indiscernible) find a
8 job using those skills. I have another letter
9 in Spanish here (indiscernible) from Josephina?

10 **INMATE ARROYO:** Yes. My sister.

11 **PRESIDING COMMISSIONER FISHER:**

12 (indiscernible) certainly (indiscernible)
13 inventory (indiscernible). She says that I will
14 be able to support my brother after he's
15 released from prison. He will live here with me
16 in my home (indiscernible). And the last one I
17 have is from Gloria Arizan.

18 **INMATE ARROYO:** Arizan. Yes.

19 **PRESIDING COMMISSIONER FISHER:** And she
20 says that you've been friends for a few years
21 and (indiscernible). I'd like you to take into
22 consideration (indiscernible). She says that
23 you're a good friend, and she will be there for
24 you and be your (indiscernible).

25 (indiscernible) advised or just lend an ear so
26 he can (indiscernible). Now, you know that
27 there's an INS Hold, right?

Exhibit H 36

1 **INMATE ARROYO:** Possibly. Yes.

2 **PRESIDING COMMISSIONER FISHER:** No.

3 (Indiscernible.) Do you have any parole plans
4 at all for Mexico?

5 **INMATE ARROYO:** The last time I came to a
6 BPT, they asked me for some letters in Spanish.
7 That's the one that's in there. It goes
8 together with this one.

9 **PRESIDING COMMISSIONER FISHER:** Okay.

10 Well, we have the letters in Spanish, but it's
11 not (indiscernible). Your sister's in Stockton.

12 **ATTORNEY FOX:** There is an offer in
13 Tijuana.

14 **PRESIDING COMMISSIONER FISHER:** Is there?

15 **ATTORNEY FOX:** Yeah.

16 **PRESIDING COMMISSIONER FISHER:** Okay.

17 Are these letters that are in the file still
18 current?

19 **ATTORNEY FOX:** Yes.

20 **PRESIDING COMMISSIONER FISHER:** All
21 right. And the (indiscernible).

22 **ATTORNEY FOX:** Under notices and
23 responses.

24 **PRESIDING COMMISSIONER FISHER:** All
25 right. Okay. I have one from Irma Arajo.

26 **INMATE ARROYO:** Arajo. Yes.

27 **PRESIDING COMMISSIONER FISHER:** Okay.

Exhibit H 37

1 This is a friend of yours?

2 **INMATE ARROYO:** Yes.

3 **PRESIDING COMMISSIONER FISHER:** And she
4 says, she's an interior (indiscernible) or a
5 cook (indiscernible), and she says, I'll be
6 willing to give (indiscernible) programs
7 (indiscernible) support and friendship
8 (indiscernible) filling out applications and
9 resumes and support programs (indiscernible).

10 This is from your sister, Maria Tomas, a letter
11 here (indiscernible) Arroyo Mesa; is that
12 correct?

13 **INMATE ARROYO:** Yes.

14 **PRESIDING COMMISSIONER FISHER:** Guadalupe
15 (indiscernible), she says, I'm here to, I hereby
16 inform you that Mr. Artemio Arroyo has my
17 (indiscernible) and economic support
18 (indiscernible). (Indiscernible.) A letter
19 here from Felipe Arroyo, if you are, he says if
20 he's deported to Mexico (indiscernible) get out
21 of jail that (indiscernible) for you, your
22 cousin. (indiscernible) pick you up.
23 (indiscernible) but it doesn't say anything
24 about home or in that one. It says, I have been
25 (indiscernible) Artemio Arroyo (indiscernible)
26 he has a home here if you want and
27 (indiscernible) on my (indiscernible) it's here

Exhibit H 38

1 at this home we all will support him and
2 (indiscernible). All right. A letter from
3 Clemente Mendez, (indiscernible). And
4 (indiscernible) family members in the same
5 (indiscernible) Mexican (indiscernible) support
6 him in all aspects that will be necessary when
7 he requires it. (Indiscernible.) All right.
8 Is there anything else about parole plans
9 (indiscernible)? Is there anything else about
10 parole plans that I haven't talked about that we
11 should know?

12 **INMATE ARROYO:** No. I completed small
13 engines.

14 **PRESIDING COMMISSIONER FISHER:** Is that
15 what you would want to do for work?

16 **INMATE ARROYO:** Yeah. And air
17 conditioning refrigeration and woodshop.

18 **PRESIDING COMMISSIONER FISHER:** Okay.

19 **INMATE ARROYO:** I completed those since I
20 been locked up.

21 **PRESIDING COMMISSIONER FISHER:** Okay.

22 Now, if you were to go to Mexico,
23 (indiscernible) would you be involved in
24 substance abuse programming, AA or NA or
25 something like that?

26 **INMATE ARROYO:** Yes.

27 **PRESIDING COMMISSIONER FISHER:** Okay.

1 Have you looked into that at all?

2 **INMATE ARROYO:** Yeah. I been going to

3 AA.

4 **PRESIDING COMMISSIONER FISHER:**

5 (Indiscernible.)

6 **INMATE ARROYO:** Yes.

7 **PRESIDING COMMISSIONER FISHER:** Have you
8 looked into where you would be able to get
9 involved with that on the outside?

10 **INMATE ARROYO:** No. But I would like to
11 get in those programs.

12 **PRESIDING COMMISSIONER FISHER:**

13 (indiscernible) are available (indiscernible).

14 **INMATE ARROYO:** Yes.

15 **PRESIDING COMMISSIONER FISHER:** All
16 right. Is there anything else about any of the
17 things that we've gone over before we move on
18 and talk about your post-conviction performance?

19 (Indiscernible.)

20 **INMATE ARROYO:** Yeah.

21 **PRESIDING COMMISSIONER FISHER:** All
22 right. Then if you will turn your attention to
23 Commissioner Mejia, he's going to go through
24 your post-conviction factors with you.

25 **DEPUTY COMMISSIONER MEJIA:** Okay. Mr.

26 Arroyo and counsel, I would be covering these,
27 in this portion of this hearing, his

Exhibit H 40

1 institutional adjustment since his last Board
2 appearance, and I have reviewed the Central File
3 and Board reports, if you (indiscernible) I'll
4 give you a chance to make comments or make
5 additional information.

6 **ATTORNEY FOX:** Thank you.

7 **DEPUTY COMMISSIONER MEJIA:** And the last
8 hearing he attended was June 19, 03, or February
9 19th of 2003, where he received a two-year
10 denial. Recommendations were for him to remain
11 disciplinary-free, participate in self-help, and
12 classification score is 19, custody level is
13 Medium A. He has a 1992 high school diploma
14 completion and notes two vocations. Small
15 engine repair he completed in 2002, and air
16 conditioning and refrigeration 1998, and he was
17 saying that he has a wood --

18 **INMATE ARROYO:** Yeah. Carpentry.

19 **DEPUTY COMMISSIONER MEJIA:** You have a
20 completion; you have a certificate completion?

21 **INMATE ARROYO:** (Indiscernible.)

22 **DEPUTY COMMISSIONER MEJIA:** Yeah.

23 Because I didn't see that. You have it? Let me
24 see it. What year was that, Mr. Arroyo?

25 **INMATE ARROYO:** It was in like in '82.

26 **DEPUTY COMMISSIONER MEJIA:** Oh, '82,

27 okay. It would be old. It must be here, but

Exhibit H 41

1 let me double check. In 1982, okay, well, why
2 you guys are looking for that, I'll continue on.
3 I'm going to -- okay. Anyway, we'll continue
4 on. So actually, you have three, and you're
5 trying to look for the completion on that.

6 **INMATE ARROYO:** Yes.

7 **DEPUTY COMMISSIONER MEJIA:** And I see
8 that you have started your AA in 1998?

9 **INMATE ARROYO:** Yes.

10 **DEPUTY COMMISSIONER MEJIA:** And you're
11 current up to December 30th, 2004. Are you
12 still attending AA?

13 **INMATE ARROYO:** Yes.

14 **DEPUTY COMMISSIONER MEJIA:** And you have
15 Impact completion of 14-week self-help in
16 regards for increase awareness and empathy for
17 the survivors of a crime. This was completed
18 November 17th, 2003. You have Project Change in
19 2002, although, these are past, before last
20 year. I'm just putting it in the record. Anger
21 Management, 1999, and another Anger Management,
22 44-week course, 2002, you have a parenting
23 class, 2000. Anything else I've missed that you
24 completed in the last two years?

25 **INMATE ARROYO:** Breaking Barriers.

26 **DEPUTY COMMISSIONER MEJIA:** What year was
27 that?

Exhibit H 42

1 INMATE ARROYO: I believe it was '91.

2 DEPUTY COMMISSIONER MEJIA: Okay. In '91
3 is included once before. The most recent --

4 INMATE ARROYO: Before?

5 DEPUTY COMMISSIONER MEJIA: Yeah. I'm
6 just looking at the two years for now, but I
7 included some that are close to the last, the
8 last three years.

9 INMATE ARROYO: Okay.

10 DEPUTY COMMISSIONER MEJIA: Anything
11 between 2003 and today?

12 INMATE ARROYO: I was close to completing
13 machine shop, but they closed machine shop in
14 North.

15 DEPUTY COMMISSIONER MEJIA: Didn't you
16 get a completion in small engine? Oh, you were
17 doing machine shop also?

18 INMATE ARROYO: Yeah. I was doing
19 machine shop, but they closed the shop.

20 DEPUTY COMMISSIONER MEJIA: Okay. What
21 is your current work assignment?

22 INMATE ARROYO: Excuse me?

23 DEPUTY COMMISSIONER MEJIA: What is your
24 current work assignment?

25 INMATE ARROYO: I was in landscaping, but
26 they moved me from North to Central.

27 DEPUTY COMMISSIONER MEJIA: What is your

Exhibit H 43

1 work assignment right now?

2 **INMATE ARROYO:** Right now, I'm in the
3 waiting list.

4 **DEPUTY COMMISSIONER MEJIA:** Okay. All
5 right. Okay. And you have actually suffered or
6 incurred 14 disciplinaries or CDC 115s from
7 1980, the last being in December in 1995, and
8 you have 10 128(a)s from 1983 and the last being
9 in 1995.

10 **INMATE ARROYO:** Twenty-eights? Excuse
11 me, 28 days, eight days?

12 **DEPUTY COMMISSIONER MEJIA:** 128(a)s, that
13 is the counseling chronos. You have 10 of them
14 from 1983 to 1993.

15 **ATTORNEY FOX:** Mr. Zavala, could you
16 explain that. I don't think Mr. Arroyo
17 understood what the 128(a) counseling chrono is.

18 **INMATE ARROYO:** I wasn't going to work?

19 **DEPUTY COMMISSIONER MEJIA:** No. These
20 are documentations for behavior. You had ten of
21 them since 1983, the last being in 1995. These
22 are what you call the counseling custodial
23 counseling chronos. These are not 115s.

24 **INMATE ARROYO:** Oh. Okay.

25 **DEPUTY COMMISSIONER MEJIA:** You get
26 copies of that every time you get issued that.

27 **INMATE ARROYO:** I can't remember having

Exhibit H 44

1 those. I know the 115s, but --

2 DEPUTY COMMISSIONER MEJIA: You don't
3 remember you have 128s?

4 INMATE ARROYO: I know I had a few of
5 them but not that many.

6 DEPUTY COMMISSIONER MEJIA: Not ten?

7 INMATE ARROYO: No.

8 ATTORNEY FOX: I came up with ten as well
9 with the last being in 1995.

10 DEPUTY COMMISSIONER MEJIA: Okay.

11 ATTORNEY FOX: That's what I counted when
12 I reviewed his Central File.

13 DEPUTY COMMISSIONER MEJIA: You don't
14 remember this, these documents?

15 INMATE ARROYO: Yeah.

16 DEPUTY COMMISSIONER MEJIA: Sir, I
17 counted ten. All right. And 14 115s, the last
18 being in 1995. And I would like to, just like
19 to double back on the -- you're saying that your
20 last 1995 appeal is still on appeal? I don't
21 think that's possible. They already made a
22 decision to give you a motion of granting of
23 your appeal, they reissued and reheard it, and
24 that's why there is a September 6, 1996,
25 document of that that we heard it, the 1995
26 because of that appeal. There's no more appeal
27 going. It's not on appeal anymore. It's over.

Exhibit H 45

1 INMATE ARROYO: I was still trying to
2 fight in the Courts.

3 DEPUTY COMMISSIONER MEJIA: By the
4 Courts, okay.

5 ATTORNEY FOX: Yeah. It's in the Courts.

6 DEPUTY COMMISSIONER MEJIA: Okay. I was
7 thinking about the CDC. I'm sorry. Your gang
8 affiliation is Vickitown member.

9 INMATE ARROYO: I was, not no more.

10 DEPUTY COMMISSIONER MEJIA: Okay.

11 INMATE ARROYO: When I was younger.

12 DEPUTY COMMISSIONER MEJIA: And the
13 psychiatric report, let me read your psychiatric
14 report.

15 ATTORNEY FOX: It's the new one.

16 DEPUTY COMMISSIONER MEJIA: I know. I
17 don't know where I placed it. Maybe I could
18 borrow yours. This is dated June 9th, 2005, by
19 Dr. Steward, spelled as S as in Sam, T as in Tom
20 E-W-A-R-D as in David, clinical psychologist at
21 CTF,

22 "And Diagnostic Impression Axis I,
23 Poly-substance Abuse in
24 Institutional Remission; Axis II,
25 Antisocial Personality Disorder;
26 Axis III, None; Axis IV,
27 Incarceration; Axis V, GAF of 80.

Exhibit H 46

1 At the time of the interview
2 there's no evidence of thought or
3 mood disorder, (indiscernible)
4 suicidal or homicidal ideation.
5 Arroyo's insight and judgment are
6 fair to good with adequate impulse
7 control. Assessment of
8 dangerousness, inmate does not
9 have a violent criminal history
10 prior to this offense. He does
11 not have any violent CDC 115
12 violations within the prison
13 system; therefore, it's concluded
14 that the violence potential within
15 a controlled setting is estimated
16 to be average to below average
17 relative to other inmates. If
18 release to the community, Inmate
19 Arroyo's potential for violence is
20 estimated to be above average,
21 about, I'm sorry, strike that,
22 about average, about average as
23 compared to the average citizen in
24 the community. The reason for
25 this is his greater maturity as
26 indicated by him not receiving a
27 CDC 115 --"

Exhibit H 47

1 **ATTORNEY FOX:** The tape just went off, so
2 he's going to change it.

3 [Thereupon, the tape was turned over.]

4 **DEPUTY COMMISSIONER MEJIA:**

5 (indiscernible) of this report, I'm doing the
6 psychiatric evaluation.

7 "If released to the community,
8 Inmate Arroyo's potential for
9 violation, violence, is estimated
10 to be about average as compared to
11 the average citizen in the
12 community. The reason for this is
13 his greater maturity as indicated
14 by him not receiving CDC 115s
15 within the last 10 years and his
16 apparently responsible behavior at
17 work. Prior psychological
18 evaluations have documented all
19 the substance abuse and concerns
20 and the CDC 115s indicate he was
21 still involved in such ten years
22 ago. On the day of the incident,
23 he was heavily intoxicated from
24 drinking approximately seven
25 beers; therefore, there is a
26 significant risk factor. Inmate
27 Arroyo has a greater probability

Exhibit H 48

1 of violence if he continues to
2 abuse alcohol or illegal drugs.
3 The potential for violence would
4 be considered much higher than the
5 average citizen in the community
6 if he abuses substances. Inmate
7 Arroyo is confident and
8 responsible for his behavior. He
9 has the capacity to abide by
10 institutional standards. Inmate
11 Arroyo does not have a mental
12 health disorder which would
13 necessitate treatment either
14 during the incarceration period or
15 following parole. If Arroyo is
16 paroled, the following strong
17 recommendations, the following are
18 strongly recommended, abstinence
19 from all illegal drugs and
20 alcohol, monitoring substance
21 abuse, mandatory attendance of
22 self-help groups that address his
23 substance abuse."

24 Any additions or comments, counselor?

25 **ATTORNEY FOX:** Not on the psychological
26 evaluation, but I do have a Case Number
27 regarding the pending appeal if that's an issue

Exhibit H 49

1 regarding the 115s.

2 DEPUTY COMMISSIONER MEJIA: That's fine.

3 ATTORNEY FOX: Okay. It's in the Ninth
4 Circuit.

5 DEPUTY COMMISSIONER MEJIA: It's on
6 record.

7 ATTORNEY FOX: Okay.

8 DEPUTY COMMISSIONER MEJIA: Okay.

9 ATTORNEY FOX: That's all. Thank you.

10 DEPUTY COMMISSIONER MEJIA: Let me return
11 this back to the Chair.

12 PRESIDING COMMISSIONER FISHER: Thank
13 you. Can you clarify for me and for the record
14 what (indiscernible)?

15 DEPUTY COMMISSIONER MEJIA: Do you want
16 me to do that?

17 PRESIDING COMMISSIONER FISHER: Yeah.
18 Either one of you.

19 DEPUTY COMMISSIONER MEJIA: You know
20 where.

21 ATTORNEY FOX: I believe it's the last
22 two, the '95 and '96 that were --

23 DEPUTY COMMISSIONER MEJIA: Yeah.
24 They're in the same exactly, the one that's on
25 December 15, 1995; that's the actual date of the
26 offense.

27 ATTORNEY FOX: Right. Right. And that's

Exhibit H 50

1 subject of the appeal. It's my understanding.

2 **PRESIDING COMMISSIONER FISHER:** Okay.

3 When did you start AA or NA? What year did you
4 start either of those?

5 **INMATE ARROYO:** It must have been '89.

6 **PRESIDING COMMISSIONER FISHER:** Was it
7 after your 115 for possession of controlled
8 substance?

9 **INMATE ARROYO:** No. That was before
10 that.

11 **PRESIDING COMMISSIONER FISHER:** You
12 started one before that?

13 **INMATE ARROYO:** Yes.

14 **PRESIDING COMMISSIONER FISHER:** All
15 right. So, sir if I can (indiscernible) are you
16 saying that all of these 115s that you have for
17 substance abuse are not correct, that none those
18 drugs were yours?

19 **INMATE ARROYO:** Yes. They weren't mine,
20 but I had them in my possession.

21 **PRESIDING COMMISSIONER FISHER:** Why did
22 you have them in your possession?

23 **INMATE ARROYO:** I just had them. I don't
24 remember.

25 **PRESIDING COMMISSIONER FISHER:** You don't
26 remember why you had them?

27 **INMATE ARROYO:** No.

1 **PRESIDING COMMISSIONER FISHER:** Does that
2 make sense to you? Do you think that makes
3 sense to me?

4 **INMATE ARROYO:** I was just holding them,
5 and I had them in my possession, and I got
6 caught, and they write me up.

7 **PRESIDING COMMISSIONER FISHER:** So what,
8 one of your friends come up to you on the yard
9 and say, hey, will you hold my drugs for me? Do
10 you say, yeah, okay?

11 **INMATE ARROYO:** Some of the times, I
12 don't know they were there.

13 **PRESIDING COMMISSIONER FISHER:** How would
14 you not know they were there?

15 **INMATE ARROYO:** Until later, they caught
16 me with that, and they write me up.

17 **PRESIDING COMMISSIONER FISHER:** All
18 right. I'm not going to ask anymore questions
19 if you're not answering them. So you started,
20 you say you think you started substance abuse
21 programming in '89; is that right?

22 **INMATE ARROYO:** Yes.

23 **PRESIDING COMMISSIONER FISHER:** Okay.
24 One has to assume that since you were innocent
25 of all these 115s the substance abuse
26 programming was working, right?

27 **INMATE ARROYO:** It was, it was working.

1 I was -- I have those things with me, and I got
2 caught, but I wasn't using them. I learned by
3 my mistakes.

4 **PRESIDING COMMISSIONER FISHER:** Were you
5 selling them?

6 **INMATE ARROYO:** No.

7 **PRESIDING COMMISSIONER FISHER:** Were you
8 trading them?

9 **INMATE ARROYO:** They were for somebody
10 else.

11 **PRESIDING COMMISSIONER FISHER:** All
12 right. I'm not going to beat a dead horse. Do
13 you have any questions, Commissioner?

14 **DEPUTY COMMISSIONER MEJIA:** Yeah. Whose
15 shotgun was the shotgun that was used in the
16 crime?

17 **INMATE ARROYO:** Who was it?

18 **DEPUTY COMMISSIONER MEJIA:** Who owns it?

19 **INMATE ARROYO:** I don't know. I don't
20 know whose, who that shotgun belonged to.

21 **DEPUTY COMMISSIONER MEJIA:** Did it come
22 from your home, your residence? It belongs to
23 your brother?

24 **INMATE ARROYO:** No. They find it in my
25 brother's house, but it didn't belong to him.

26 **DEPUTY COMMISSIONER MEJIA:** Okay. How do
27 you feel about the victim?

1 **INMATE ARROYO:** I feel bad. I feel
2 remorse. I don't think I hate that guy. I was
3 young at the time. I committed a crime, and I'm
4 paying for it. I'm responsible for the murder.

5 **DEPUTY COMMISSIONER MEJIA:** No other
6 questions.

7 **PRESIDING COMMISSIONER FISHER:** Okay.
8 (Indiscernible.) What do you know about the
9 victim, anything?

10 **INMATE ARROYO:** No.

11 **PRESIDING COMMISSIONER FISHER:** Let me
12 ask you a question this way. You've got in a
13 lot of trouble. You got a lot of stuff that you
14 don't know anything about. You didn't know the
15 victim. You didn't know about the situation
16 with your brother. You didn't know whose
17 shotgun it was. You didn't know anything about
18 why you happened to get caught with these drugs
19 that weren't yours after you'd started NA and
20 AA. Has anything changed about the way you make
21 decisions?

22 **INMATE ARROYO:** Yeah. Now, I changed.
23 Before I do something, I got to know what it is,
24 so if somebody tell me to hold this for me, I
25 got to know what it is first.

26 **PRESIDING COMMISSIONER FISHER:** I see.
27 Anything else?

1 **INMATE ARROYO:** If you asking me who they
2 belong to --

3 **PRESIDING COMMISSIONER FISHER:** No. I'm
4 not asking you that. I'm asking you, I'm asking
5 you if you're -- apparently you're not, in the
6 past starting with the commitment offense and
7 your prior behavior coming to the commitment
8 offense, you weren't making very good decisions.
9 You weren't using very good judgment.

10 **INMATE ARROYO:** Yes.

11 **PRESIDING COMMISSIONER FISHER:** If indeed
12 you just didn't know anything about any of this
13 stuff, you were just, you were just apparently
14 along for the ride on all this stuff; what do
15 you do differently now, not just related to
16 holding somebody's drugs for them and not
17 needing to know what it is; what do you do in
18 general in your life that's different from the
19 way you make it seem?

20 **INMATE ARROYO:** I learned something new
21 everyday. Now, I learn a lot of things that
22 before I do something, think twice, and I won't
23 make the same mistakes I make in the past.

24 **PRESIDING COMMISSIONER FISHER:** Do you
25 have any questions, Commissioner?

26 **DEPUTY COMMISSIONER MEJIA:** No. I'm done
27 Thank you.

1 PRESIDING COMMISSIONER FISHER: Counsel?

2 ATTORNEY FOX: No, no questions.

3 PRESIDING COMMISSIONER FISHER: All
4 right. Do you want to close?

5 ATTORNEY FOX: Yes. Thank you,
6 Commissioners. Mr. Arroyo would have you find
7 him suitable for parole based primarily on his
8 lack of any disciplinary problems over the last
9 ten or so years. The crime of commitment, he
10 feels remorseful for and expresses that remorse
11 in the words available to him. He's not been
12 over the last decade a management problem.

13 There was what could be characterized as a
14 lengthy period of adjustment learning how to fit
15 into the Department of Corrections, but he's
16 done very well over the last ten years and has
17 completed several self-help programs including
18 Impact. The psychological evaluation is
19 supportive stating that he has a Global
20 Assessment Functioning of 80 which is very high
21 among the population of the prison. Turning to
22 parole plans, Mr. Arroyo has two sets of viable
23 parole plans, one in the county of commitment
24 with both a place to live and employment as well
25 as skills he's learned that can take him beyond
26 just the offer of employment. Turning to the
27 offer in Mexico, he has family there who is

1 willing and able to support him, and it spoke in
2 the letter saying they'd like to meet him at the
3 border. So Mr. Arroyo would have you find him
4 suitable. He's not the impulsive young man he
5 was and has learned a number of skills which
6 have evidenced themselves over the past ten
7 years which would portend a successful
8 completion and discharge from parole once he
9 gets out. So I'll submit based on that unless
10 there are comments that Mr. Arroyo would like to
11 make.

12 **PRESIDING COMMISSIONER FISHER:** Anything
13 you'd like to add, Mr. Arroyo to what your
14 attorney said on your behalf?

15 **INMATE ARROYO:** No.

16 **PRESIDING COMMISSIONER FISHER:** Okay.
17 Before we recess, let me, I just want to put
18 something on the record that I neglected to do.
19 Commissioner, is there any confidential to be
20 considered today?

21 **DEPUTY COMMISSIONER MEJIA:** Today?
22 There's some confidential information.

23 **PRESIDING COMMISSIONER FISHER:** Okay.

24 **DEPUTY COMMISSIONER MEJIA:** But I don't
25 think we need to consider anything.

26 **PRESIDING COMMISSIONER FISHER:** Okay.
27 **DEPUTY COMMISSIONER MEJIA:** It's not

1 going to be used today.

2 **PRESIDING COMMISSIONER FISHER:** All
3 right. I also, I don't know if we addressed the
4 issue the fact that we had some letters of
5 opposition that were not received in a timely
6 manner. I wasn't going to consider them and
7 (indiscernible).

8 **ATTORNEY FOX:** I didn't get them.

9 **DEPUTY COMMISSIONER MEJIA:** I gave you
10 the letter.

11 **ATTORNEY FOX:** I have one which I would
12 have.

13 **PRESIDING COMMISSIONER FISHER:** We just
14 received them. One came in (indiscernible).
15 All right. So we're going to go ahead recess to
16 deliberate.

17 **ATTORNEY FOX:** Thank you.

18 **R E C E S S**

19 --oo--

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1 CALIFORNIA BOARD OF PAROLE HEARINGS

2 D E C I S I O N

3 DEPUTY COMMISSIONER MEJIA: We're back on
4 record for our decision in Mr. Arroyo's matter.

5 PRESIDING COMMISSIONER FISHER: All
6 right. I want to note for the record that
7 everyone who was previously in the room and
8 identified themselves has returned to the room.

9 Mr. Arroyo, the Panel reviewed all information
10 received from the public and relied on the
11 following circumstances in concluding that
12 you're not yet suitable for parole and would
13 pose an unreasonable risk of danger to society
14 or a threat to public safety if released from
15 prison. Clearly, the first thing that was
16 considered was the commitment offense. This was
17 the murder of Daniel Martino, who was 16 years
18 old. I'm not entirely sure why it wasn't the
19 attempted murder of the other person in the car.
20 This was a situation where Mr. Arroyo and his
21 crime partners were gang members. According to
22 Mr. Arroyo, he's not quite sure why they took
23 off after the victim's car. He thinks that it
24 may have had something to do with an argument
25 that his brother had with the victim and his
friends that prior day. It sure looks like a

1 gang-related crime. The victims were chased by
2 Mr. Arroyo and his crime partners in a situation
3 that must have been pretty interesting to watch.
4 Apparently, the two cars full of people were
5 trying to attack each other with sticks as they
6 drove down the street at which point Mr. Arroyo
7 picked up a loaded shotgun and fired at the
8 victim's car. In the probation officer's
9 report, it says that he thought he hit both of
10 them in the victim's car and that he observed
11 the car veer to the left and crash into a parked
12 vehicle. And in discussing the crime today with
13 Mr. Arroyo, he didn't, he indicated he really
14 didn't know the victim. He didn't know whose
15 gun it was. He didn't know whose car it was.
16 He wasn't quite sure why his crime partner
17 wanted to go talk to them, and yet, with none of
18 the information available to him or with no
19 interest in getting information, he picked up a
20 loaded shotgun and shot at the teenaged boys
21 killing one of them. Certainly, based on the
22 information from the Statement of Facts, this
23 crime was callous. It was clear there were
24 multiple victims, and the crime was carried out
25 in a manner that demonstrates an exceptionally
26 callous disregard for human suffering, and the

1 motive for this crime was, I don't know, almost
2 nonexistent. He was drunk, and he was mad. It
3 does not show what he was mad about, but he
4 didn't know the victims, and he didn't know
5 anything about the argument with his brother.
6 Mr. Arroyo does have certainly an unstable
7 social history. He was involved in a gang. He
8 was involved in substance abuse. He talked
9 about dropping out in ninth grade. Apparently,
10 he attempted to go back to school a few times,
11 but he never was able to complete another grade
12 after that. He does have a juvenile record of
13 arrests; although, all it shows in the
14 disposition here, petition requested, and he
15 said that he didn't serve any time
16 (indiscernible) activity (indiscernible) for
17 robbery. Mr. Arroyo is (indiscernible)
18 incarcerated. He did, he has participated in AA
19 and NA (indiscernible). He also participated in
20 Impact programs (indiscernible) 2003, but he's
21 not yet sufficiently participated in beneficial
22 self-help, and in fact, I think it's important
23 to note, once again, is what was mentioned
24 during the hearing that at a time during which
25 he says that he was participating in NA and AA,
26 he was continuing to receive 115 that were

1 substance related. He has had ten 128
2 counseling chronos. The last one was in 1995.
3 That was for inappropriate behavior during a
4 visit. He's had 15 115 disciplinary reports.
5 The last one was in 1996, and that was related
6 to trafficking narcotics. And as a matter of
7 fact, he has been, he has been placed in special
8 housing as a result of his multiple 115s. The
9 last time was in December of 1995, and that was
10 for conspiracy to traffic narcotics that
11 (indiscernible) a nine-month SHU term at that
12 time. He does have parole plans. He does seem
13 to have good family support. He doesn't have,
14 he does have two job offers, both in Mexico and
15 in California. The Panel finds the prisoner
16 needs to participate in self-help in order to
17 understand, cope with stress in a nondestructive
18 manner in order to (indiscernible) related to
19 his substance abuse issues that have been
20 ongoing (indiscernible) since 1996 in order to
21 gain insight into the commitment offense
22 (indiscernible) and the impact of his behavior
23 on other people, including the victims of his
24 crime. Certainly, his gains are recent, and he
25 needs to demonstrate ability to maintain his
26 gains over an extended period of time, and that
27 ARTEMIO ARROYO C-20149 DECISION PAGE 4 7/12/05

1 would be in relation to substance abuse issues.
2 Once again, he has a 115 for trafficking
3 narcotics (indiscernible) 1996. Considering the
4 fact that he was drunk at the time of the
5 commitment offense and he continued to rack up
6 115s related to those after he already started
7 substance abuse programming, we certainly need
8 to see a longer time of being disciplinary-free
9 and of continuing to program in a substance
10 abuse program. And given his (indiscernible)
11 history and his lack of program participation,
12 there's no indication that he would behave
13 differently if paroled. We do want to commend
14 you, Mr. Arroyo, for being in AA and NA.
15 Hopefully, it's starting to make a difference
16 now; also, for participating in the Impact
17 program. I know that's a 44-week program. It's
18 quite an intense program. However, currently,
19 the positive aspects of behavior do not outweigh
20 the factors of unsuitability. In a separate
21 decision the Hearing Panel finds that the
22 prisoner has been convicted of murder, and it's
23 not reasonable to expect that parole would be
24 granted at a hearing during the following two
25 years. The specific reasons for this finding
26 are, first of all, the commitment offense. Once

1 again, this was the murder of a 16-year-old boy
2 who Mr. Arroyo claims he didn't know and that he
3 didn't have an issue with. There were multiple
4 victims in this crime. Mr. Martino's companion
5 was in the car while Mr. Arroyo was shooting at
6 it. Certainly, the offense was carried out in a
7 manner that demonstrates a callous disregard for
8 human suffering, and once again, the motive for
9 this crime was inexplicable. Mr. Arroyo isn't
10 sure why he was shooting at them and says that
11 it was not, that he didn't know him, didn't know
12 about (indiscernible) with the brother, and it
13 wasn't gang related. He does have a prior
14 record of criminal behavior; although, all of
15 the (indiscernible) couple of arrests as
16 juvenile, it doesn't show any convictions in his
17 file, but he does have a history of unstable
18 relationships that relate to his substance
19 abuse, to his gang affiliation, to his criminal
20 behavior, and to the fact that he's a high
21 school dropout. The prisoner has not completed
22 the required programming that is essential to
23 his adjustment. He needs additional time to
24 gain that programming. (indiscernible) area of
25 self-help and what we recommend to you, Mr.
26 Arroyo, is that you remain disciplinary-free,

1 that you continue to participate in substance
2 abuse programming, and that you get involved in
3 any kind of programs that you can that will help
4 you gain some insight into your behavior. If
5 you can't do it through education, you need to
6 work on it on your own. You can get books. You
7 can get tapes. You can do it however you want
8 to do it on your own. Independent study, you
9 can do that. Bring back a report to the Board
10 and tell me what you've learned. I have to tell
11 you that you didn't strike me as being
12 particularly truthful. You are constantly,
13 apparently, getting in trouble for things that
14 you don't know why you have them in your
15 possession; that you don't have anything to do
16 with. You didn't know anything about anything
17 related to why you were in the car with these
18 guys chasing Mr. Martino and his friend. You
19 didn't know whose shotgun it was. You weren't
20 even sure why you shot him other than that you
21 were drunk and mad. And when I ask you what you
22 were angry about, you said you weren't angry.
23 So you need to do a little bit of work on what
24 your motivations are and the things that you do
25 and maybe come to some conclusions about what
26 part of responsibility you want to take for your
27 ARTEMIO ARROYO C-20149 DECISION PAGE 7 7/12/05

1 own behavior, and that completes the reading of
2 the decision. Do you have any comments,
3 Commissioner?

4 DEPUTY COMMISSIONER MEJIA: Yes. I
5 concur with what you said, Commissioner. I just
6 want to clarify that you were able to get the
7 certificate.

8 ATTORNEY FOX: No.

9 DEPUTY COMMISSIONER MEJIA: If it's in
10 his cell, he can bring it for, you know, bring
11 it to his counselor so that it will be in the
12 file for his next hearing.

13 ATTORNEY FOX: The cabinetry one?

14 DEPUTY COMMISSIONER MEJIA: Yeah. We
15 would appreciate that.

16 ATTORNEY FOX: All right.

17 DEPUTY COMMISSIONER MEJIA: Thank you.

18 PRESIDING COMMISSIONER FISHER: Thank
19 you. That concludes the hearing.

20 ---oo---

21

22

23 PAROLE DENIED TWO YEARS

24 THIS DECISION WILL BE FINAL ON: NOV - 9 2005

25 YOU WILL BE PROMPTLY NOTIFIED, IF PRIOR TO THAT
26 DATE, THE DECISION IS MODIFIED.

27 ARTEMIO ARROYO C-20149 DECISION PAGE 8 7/12/05

CERTIFICATE AND
DECLARATION OF TRANSCRIBER

I, KRISTIN LEDBETTER, a duly designated transcriber, PETERS SHORTHAND REPORTING, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total one in number and cover a total of pages numbered 1 - 66, and which recording was duly recorded at CORRECTIONAL TRAINING FACILITY, SOLEDAD, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING OF ARTEMIO ARROYO, CDC NO. C-20149, ON JULY 12, 2005 and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape to the best of my ability.

I hereby certify that I am a disinterested party in the above-mentioned matter and have no interest in the outcome of the hearing.

Dated JULY 19, 2005, at Sacramento,
California.


KRISTIN LEDBETTER
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